THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.27052 OF 1995

ORAL ORDER:

The petitioner claims to be a landless poor in whose favour Ac.3.00 cents of land situated in Sy.Nos.14/8; 14/9 and 14/15 of Mohammadapuram village, Prakasam district was assigned by the competent authority. Accordingly, a 'D Form patta' was granted in her favour in the year 1986 and she was put in possession. While so, on 28.11.1995, some third party attempted to interfere with her possession claiming that the very same land was assigned to him. Aggrieved by the said action, this writ petition is filed seeking a *mandamus* directing the respondent-Mandal Revenue Officer, to implement the 'D Form patta' granted in her favour and to make necessary entries in the revenue record.

In response to the *Rule nisi* ordered, the respondent-Mandal Revenue Officer, Hanumanthanipadu, filed counter-affidavit in which the fact that a DK patta vide F.Dis.200/1395 dated 20.1986 was granted in favour of the petitioner by the then Mandal Revenue Officer has been admitted. The fact that the petitioner has been continuing in possession of the land assigned in her favour has also been admitted. However, it is stated that instead of including the name of the petitioner in the revenue record, the name of one Kodamala Papaiah S/o Guravaiah was incorporated. It is further stated that the land assigned to the petitioner has not been assigned to any third party and her possession has not been disturbed.

I have heard the learned counsel for both the parties.

From the material on record, particularly the counter-affidavit filed by the Mandal Revenue Officer, it is clear that there is no dispute about the 'D Form patta' granted in favour of the petitioner as well as the fact that the petitioner is continuing in possession.

From the counter-affidavit it is also clear that a wrong entry was made in the revenue record in respect of the land in occupation of the

petitioner. In such circumstances, sub-section (2) of Section 5 of the A.P. Rights in Land and Pattadar Pass Book Act, 1971 (for short "the Act") empowers the Mandal Revenue Officer to make necessary amendment in the record on the basis of the material to show that an acquisition of any right by Government patta has taken place. Sub-section (6) of Section 5 of the Act also provides for correction of clerical errors in the Pass Book.

In view of the admitted facts and in the light of the statutory provisions noted above, the writ petition is disposed of with a direction to the respondent to carry out necessary amendment in the record of rights in respect of the land in occupation of the petitioner following due process of law in terms of Section 5 of the Act, which exercise shall be completed as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. No costs.

(G. ROHINI, J.)

12th September, 2006.
Kgr.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.27052 OF 1995

12th September, 2006.

Between:

Pallapollu Jayamma. .. Petitioner.

And

The Mandal Revenue Officer,
Hanumanthanipadu Mandal,
Prakasam district. .. Respondent.